

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATIONERS SUPPLY CO.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:04CV1775 RWS
)	
OFFICE SOLUTIONS, INC., et. al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On September 2, 2005, I administratively closed this case due to the suggestion of bankruptcy filed by Defendant Schatz. However, Defendant Office Solutions, Inc., is still a party to this case, and a final judgment has not been entered as to Office Solutions. As a result, my Order of September 2, 2005, should be vacated, and I will reopen the case so that a final judgment may be entered against Office Solutions.

I note for the record, however, that I am not reopening the case so that Plaintiff may further proceed against Defendant Schatz. Although I granted Plaintiff's motion for summary judgment against Schatz, I did not enter a judgment stating the final disposition of the case as to Schatz. The Order is not, therefore, a final judgment, and any further proceedings against Schatz would be violative of the automatic stay required by 11 U.S.C. § 362. E.g., In re Braught, 307 B.R. 399, 402 (Bankr. S.D.N.Y. 2004) ("all judicial functions necessary to make a judgment valid are stayed by 11 U.S.C. § 362(a)(1)"); In re Capgro Leasing Assocs., 169 B.R. 305, 315 (Bankr. E.D.N.Y. 1994) ("entry of a judgment will constitute a "ministerial act" where the judicial function has been completed and the clerk has merely to perform the rote function of entering the judgment upon the court's docket.").

Accordingly,

IT IS HEREBY ORDERED that my Order dated September 2, 2005, [#41] is
VACATED.

IT IS FURTHER ORDERED that the Clerk of the Court reopen this case, and that
docket entry #37 be listed as a pending motion.

Dated this 6th day of September, 2005.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE